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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/983,090	10/23/2001	Yutaka Kitamura	Q66650	9148

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
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EXAMINER	
MCANULTY, TIMOTHY P	

ART UNIT	PAPER NUMBER
3682	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/983,090	KITAMURA ET AL.	
	Examiner	Art Unit	
	Timothy P McAnulty	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 April 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2,4-9,11 and 15-28* is/are pending in the application.

4a) Of the above claim(s) *5,7 and 8* is/are withdrawn from consideration.

5)☒ Claim(s) *4,6,9,11 and 15-28* is/are allowed.

6)☒ Claim(s) *2,12,13,19 and 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation of "said push rod" in line 17 of claim 11 lacks antecedent basis. A proper correction of claim 11 could include inserting --having a push rod-- immediately before "adjuster" in line 11 of claim 11.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 2,12,13,19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayakawa et al. in view of Bartos et al.

Hayakawa et al. discloses in figures 2 and 3, a belt transmission apparatus comprising a rotating electric machine pulley 5; an engine pulley 4; an auxiliary pulley 8; a belt tension adjuster 1 having a pulley unit 20 and an automatic belt tensioner.

Hayakawa et al. discloses the basic apparatus as previously cited but does not disclose said electric machine pulley being a starter. However, Bartos et al. discloses an automatic belt tensioner providing tension to a belt at first and second locations on either side of a combined starter generator mounted on a vehicle. Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the apparatus of Hayakawa et al. in view of the teachings of Bartos et al. to include a starter generator as said rotating electric machine pulley and provide tension to said belt at locations on either side of said rotating electric machine so as to provide a single rotating electric machine pulley coupled to a combined starter generator within said belt transmission apparatus to eliminate the need for two components.

Said automatic belt tensioner inherently adjusts the tension of the belt to be greater when said engine is started by said rotating electric machine than when said accessory pulley is driven after said engine is started since said automatic belt tensioner automatically adjusts tension in said belt, especially when a starting torque applied to said belt is greater than a driving torque applied to said belt.

Response to Arguments

5. Applicant's arguments filed 28 April 2004 have been fully considered but they are not persuasive. The tensioner of Bartos et al. is disposed in an area in which the slack of the belt is the greatest when the engine is being started by the rotating electric machine. During a starting mode of the engine, the location in the belt where the slack is the greatest is immediately after the rotating electric machine pulley. Such location is the farthest point in the belt from where the torque is being supplied. The tensioner of Bartos et al. is clearly disposed in such a location to provide tension to said belt and the combination set forth above meets the limitations of the claims.

Allowable Subject Matter

6. Claims 4,6,9, 15-18, and 21-28 are allowed.

The prior art discloses or teaches the basic apparatus as cited above but does not disclose or teach said tensioner having a push rod extending through the first axial end wall comprising a planar

disc portion and an elastic deformation unit comprising a planar disc portion. The modified apparatus as cited above would not operate to tension the belt if further modified to have a push rod apparatus. The teachings of Bartos et al. are reasonably limited to providing tension to two portions of a single belt, which said portions are located on opposite sides of a starter-generator pulley entrained by the belt. That is to say, the teachings of Bartos et al. do not reasonably include being modified to include a push rod apparatus. Additionally, only modifying Hayakawa et al. to include a starter generator (not modifying Hayawaka et al. to include the tensioner of Bartos et al.) would not provide the tensioner in the area of the belt in which slack would be the greatest. Furthermore, any modification of the prior art to meet such limitations would be based on impermissible hindsight.

7. Claim 11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The prior art discloses or teaches the basic apparatus as cited above but does not disclose or teach said tensioner having a push rod extending through the first axial end wall comprising a planar disc portion and an elastic deformation unit comprising a planar disc portion. The modified apparatus as cited above would not operate to tension the belt if further modified to have a push rod apparatus. The teachings of Bartos et al. are reasonably limited to providing tension to two portions of a single belt, which said portions are located on opposite sides of a starter-generator pulley entrained by the belt. That is to say, the teachings of Bartos et al. do not reasonably include being modified to include a push rod apparatus. Additionally, only modifying Hayakawa et al. to include a starter generator (not modifying Hayawaka et al. to include the tensioner of Bartos et al.) would not provide the tensioner in the area of the belt in which slack would be the greatest. Furthermore, any modification of the prior art to meet such limitations would be based on impermissible hindsight.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P McAnulty whose telephone number is 703.308.8684. The examiner can normally be reached on Monday-Friday (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703.308.3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tpm

7/22/04

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